

REMARKS/ARGUMENTS

Description of amendments

Applicants have amended claim 63.

Objection to the drawings

The Examiner objected to the title of the drawings section in the *specification* as containing an informality. Applicants have amended the title to overcome the objection.

Rejections under 35 U.S.C. §112, first paragraph

Claims 59-63 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. For the following reasons, Applicants respectfully request reconsideration and withdrawal of the rejection.

The Examiner contended that “the description of the two regions at 39:15-40:6 is opposite claim 59.” The Examiner apparently was pointing out that the specification discloses that the particle volume fraction of the *second* barrier layer (28B) is *greater* than that of the *first* barrier layer (28A), while claim 59 recites that “the *first* region of the barrier layer has a *greater* particle volume fraction [than] the *second* region of the barrier layer.”

Applicants respectfully submit that the description in the specification is not necessarily “opposite” of claim 59. For example, the first barrier layer (28A) could be in the second region of claim 59, and the second barrier layer (28B) could be in the first region. In any event, those skilled in the art would not conclude the specification does not describe the claimed invention simply because the barriers and regions are numbered differently.

Claim 63 also is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

The Examiner contended that “[t]he specification as filed does not support any two coating regions, one of which has a greater particle volume.” Applicants respectfully disagree.

The specification discloses that the first and second barrier layers (28A, 28B) have different particle volume fractions and that the barrier layers (28A, 28B) are disposed in different regions (page 39, line 19, to page 40, line 2). Therefore, it is reasonable to conclude

that the regions also have different particle volume fractions, one of which is necessarily greater than the other.

Rejection under 35 U.S.C. §112, second paragraph

Claims 59-63 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

According to the Examiner, it is not clear whether the stent in line 2 of claim 59 is the same as the stent in line 1. Applicants respectfully submit that the “stent” in the preamble is not a claim limitation and therefore does not create an antecedent basis for the “stent” in the body of the claim. A cursory review of the patents in the US PTO database would show that it is a standard practice to recite “an element” in a claim’s preamble and then recite again “an element” in the body.

The amendments to claim 63 overcome its rejection.

Objections to the specification

The Examiner objected to the specification for containing informalities. Specifically, the Examiner pointed out that the tables on page 46 are not numbered and that there is no table 3. Applicants believe that the amendments to the specification overcome the objections.

Rejection under 35 U.S.C. §102

Claim 63 was rejected under 35 U.S.C. §102(b) as being anticipated by Ding et al. (U.S. Patent 5,879,697) and EP 734721. For the following reasons, Applicants respectfully request reconsideration and withdrawal of the rejection.

The cited art does not teach or suggest claim 63, as amended. Claim 63 now recites two regions of a coating that have different particle volume fractions. The cited art does not teach or suggest this limitation. As stated in the Office Action, each of Ding et al. and EP 734721 discloses only one layer of coating containing particles.

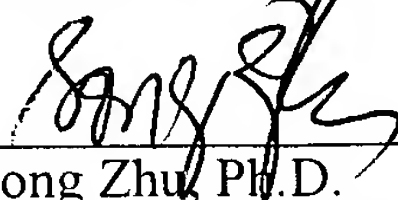
Application No. 10/658,348
Amendment dated May 31, 2006
Reply to Notice of Non-compliant Amendment of May 24, 2006

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. No. 07-1850.

Date: May 31, 2006

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